



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Prize Drawing at Army Recruiting Events

File: B-230062

Date: December 22, 1988

DIGEST:

The Army may use funds appropriated for recruiting and advertising to pay for framed recruiting posters for use as prizes to potential recruits in order to increase recruiting leads. Before the Army implements the proposal, it should determine whether award of a prize worth up to \$25.00 is consistent with its own regulations prohibiting gifts of more than slight monetary value in its recruiting efforts.

DECISION

This is in response to a request dated January 11, 1988, from the United States Army Recruiting Command (Army) for our decision concerning the use of appropriated funds to pay for framed recruiting posters that the Army proposes to give away as "prizes" to the winners of drawings held at national conventions of student organizations attended by the Army. The Army's purpose in awarding the prizes is to increase recruiting "leads" by attracting students to its recruiting booth. For the reasons stated below, we would not object to the proposed expenditure of appropriated funds for this purpose. However, before the Army implements this proposal, it should determine whether the award of a prize worth approximately \$25.00 is consistent with its own regulations.

BACKGROUND

As explained in an Army memorandum to the Comptroller General, dated November 25, 1987, every year the Army attends approximately 15 national conventions of student organizations for the purpose of attracting "the interest of enlistment age youth by providing information on Army educational and technical training opportunities." During these conventions, the Army attempts to collect, voluntarily, "directory information", including addresses and telephone numbers, from the young people attending the convention. Army recruiters use this information to

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"continu[e] the dialogue" with potential recruits after the convention.

In order to improve its "lead" gathering capability at these conventions, the Army proposes to offer a framed reproduction of its "Uncle Sam" recruiting poster to any student whose "lead card", with his/her name, address, and telephone number, is selected in a random drawing. The framed recruiting posters would have "nominal value not to exceed \$25.00."

Under 10 U.S.C. § 503, the Secretaries of the various military departments, including the Army, are directed to conduct "intensive recruiting campaigns to obtain enlistments" in their particular departments. Funds are provided to the military departments for this purpose in the annual appropriation for the Department of Defense (DOD). While DOD's appropriation does not contain a specific line item amount for Army recruiting (or for recruiting by the other military departments), Congress has included funds for recruiting and advertising in the amount appropriated for Operation and Maintenance for each military department. For example, the continuing resolution containing DOD's appropriation for fiscal year 1988 appropriated \$20,853,205,000 for Operation and Maintenance of the Army. See Pub. L. No. 100-202, 101 Stat. 1329, 1329-46, December 22, 1987. As explained in the conference report, of the total amount appropriated for this purpose, \$505,000,000 was provided for recruiting and advertising by the Army. See H. R. Rep. No. 498, 100th Cong. 1st Sess 520, 534 (1987).

ISSUE

The issue here is whether funds appropriated to the Army for the purpose of recruiting and advertising are available to pay for framed recruiting posters that would be given away as prizes to individuals whose names are selected in random drawings conducted by the Army.

ANALYSIS

Under 31 U.S.C. § 1301(a), appropriated funds may be used only for the purpose for which they are appropriated. In applying this provision, our Office has consistently held that even though a particular expenditure may not be specifically provided for in the appropriation act, the expenditure "is permissible if it is reasonably necessary in carrying out an authorized function or will contribute materially to the effective accomplishment of that function, and if it is not otherwise prohibited by law." 66 Comp. Gen. 356 (1987).

Application of the "necessary expense" test to the facts of this case leads us to the conclusion that the proposed expenditure is permissible. While the Army's annual appropriation does not specifically provide funds to the Army to cover the cost of prizes, we see a direct connection between the purpose for which these funds are appropriated and the framed recruiting posters that would be used as prizes. These prizes are intended to provide individuals attending the convention with an incentive to fill out the lead cards the Army recruiters need to contact potential recruits after the convention has ended. Thus, the clear purpose of the proposed expenditure is to increase the Army's opportunity to fulfill the specific mission for which these funds were appropriated. Moreover, the framed recruiting posters, if displayed by the individuals that receive them, will contribute further to the accomplishment of the Army's recruiting and advertising mission.


In reaching this conclusion, we are mindful of the general rule against using appropriated funds for personal gifts or awards that the Army discussed in its submission. See 57 Comp. Gen. 385 (1978); 55 Comp. Gen. 346 (1975); and B-214833, August 22, 1984. However, we do not believe that this rule is applicable to the situation we are considering here. The common denominator in the cited cases, and others in which we applied the general prohibition, was the absence of any direct connection, such as exists in this case, between the purpose for which the funds were appropriated and the gifts or awards in question.

In our view, the analysis and result reached in B-193769, January 24, 1979, is useful to our analysis here. In that case we concluded that the National Park Service could use its appropriations to purchase volcanic rock that would be given away to national park visitors to discourage them from removing naturally occurring "lava rock" from the park. In the decision, we agreed with the Park Service that there was a direct connection between the distribution of sample rocks to park visitors and the accomplishment of the agency's mission to conserve natural objects in the park--one of the purposes for which the Park Service received appropriations. See, also, 50 Comp. Gen. 534 (1971). Similarly, we here find a direct connection between the use of framed recruiting posters as prizes for potential recruits and fulfillment of the Army's mission to "conduct an intensive recruiting campaign."

Notwithstanding our position in this matter, the Army should not implement this proposal until it determines whether the proposal is consistent with its own regulations. In this regard, paragraph 7(f) of Army Regulation 601-208, TAGO

854A, restricts the use of gifts, mementos, or souvenirs "of more than slight monetary value, from whatever source," in the Army's recruiting or enlistment effort. The regulation, however, does not define "slight monetary value," and accordingly, a question exists as to whether a framed recruiting poster, worth as much as \$25.00, is authorized under this provision. Since the agency that promulgates a regulation has the primary responsibility for interpreting it, we think the Army should make this determination in the first instance. Our Office, ordinarily, will not question an agency's reasonable interpretation of its own regulations. See 63 Comp. Gen. 154 (1984).

Accordingly, if the Army determines that its proposed award of framed recruiting posters, worth up to \$25.00, as prizes to potential recruits is permissible under its regulations, we would not object to the expenditure of appropriated funds for this purpose.

for 
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